

### **REMARKS**

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and the remarks made herein.

Claims 1-4 are pending and stand rejected.

The examiner has acknowledged the claim for foreign priority. However, the Office Action states that the applicant has not filed a certified copy of the applications as required.

Applicant respectfully disagrees that the required documents were not filed. Attached hereto is a copy of the coversheet of the applicant's submission of the required documents in October 2002 and the acknowledgement postcard indicating that the documents were received by the Office. Applicant respectfully requests that the benefit of the earlier filing date be afforded the instant application.

However, if the documents are not included in the case file maintained by the Office, applicant requests that the re-submission of the required documents be held in abeyance as additional time is needed to obtain same.

The examiner has objected to the drawings because there is no written description in the blocks of the drawing.

Applicant thanks the examiner for his observation and has submitted herewith an amended drawing of Fig. 1 with explanation contained in the blocks. The amended drawing is appropriately labeled Replacement drawing.

Having submitted an appropriately amended drawing, applicant believes that the reason for the examiner's objection has been overcome and can no longer be sustained. Applicant respectfully requests entry of the amended Fig. 1 and withdrawal of the objection.

The examiner has objected to the specification as failing to comply with the preferred layout for the specification of a utility application.

Applicant thanks the examiner for his observation. However, applicant would note that 37 CFR §1.77(b) discloses a *suggested* format for the arrangement of the disclosure. Applicants respectfully submit that the present disclosure follows the suggested format

where applicable. With regard to 37 CFR§1.77(c), which was not cited in the Office Action, Applicant respectfully submits that section headings are suggested but not required, as 37 CFR §1.77(c) clearly states the sections defined in paragraphs (b) (1) through (b) (11) “should” be preceded by a section heading. Applicant respectfully declines at this time to amend the disclosure to include same.

The examiner has objected to the ABSTRACT with regard to proper language and format.

Applicant thanks the examiner for his observation and has made appropriate correction to the ABSTRACT.

Having amended the ABSTRACT with regard to language and form, applicant submits that the reason for the examiner's objection has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection.

Claims 1-4 are rejected under 35 USC §103(a) as being unpatentable over Wu (USP no. 6,700,933) in view of Han. It is the examiner's position that Wu teaches a decoding layer but fails to teach an error in the base layer frame and replacing it with a preceding or following enhancement layer frame. Han teaches the importance of error correction and protecting the lower layers. It would have been obvious to combine the embodiments of Han in order to use the enhancement layer to correct an error in the base layer.

Applicant respectfully disagrees with, and explicitly traverses, the examiner's reason for rejecting the claims

Wu, as read by the applicant, teaches a video encoding scheme that employs fine-granularity layered coding including a base layer of low quality video and multiple enhancement layers of increasingly higher quality video. The video encoding scheme eliminates fluctuations in the video by predicting higher quality data from the lower quality data encoded in the base layer and a low quality enhancement layer.

Han, teaches a multi-resolution layered encoding of video signals that exhibit good error tolerance. Han further teaches concealment of errors through interpolation from lower layers. (see p. 293, first paragraph).

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

As noted above, Wu teaches a system wherein errors in the higher level enhancement layers are eliminated by using lower quality data from the base layer and a lower quality enhancement layer. Wu fails to teach or suggest that errors in the base layer are corrected using information in the enhancement layer, as is recited in the claims. In fact, Wu teaches away from the present invention as Wu teaches a system that is opposite to that recited in the claims. More specifically, Wu teaches lower quality layers being used to correct errors in the higher quality layer, whereas the present invention recites higher quality layer information being used in the lower quality layer (base layer).

Similarly, Han fails to teach using higher quality layer information to correct errors in the base layer, as recited in the claims.

Contrary to the examiner's position, one would not be motivated to combine the teachings of Wu and Han to develop the novel features recited in the claims as both Wu and Han make use of correcting errors in higher quality layers from lower quality layers. Even if there were some suggestion to combine the teachings of Wu and Han the combination of Wu and Han would fail to disclose all the elements recited in the claims. As noted, Wu and Han teach correcting of higher quality level from lower level quality video streams. Neither Wu nor Han teaches the correction of the base layer with an enhancement layer, which is the subject matter recited in the claims. Hence, the combination of Wu and Han cannot be said to render obvious the invention recited in the claims because even if the references were combined, the combined device would not include all the elements recited in the claims.

Having shown that the combination of Wu and Han fails to render obvious the present invention, applicant submits that the reason for the examiner's rejection of the

claims has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard to claims 2-4, these claims depend from independent claim 1 which has been shown to be allowable in view of the cited reference. Accordingly, these claims are also allowable by virtue of its dependence from an allowable base claim

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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